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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/838,011

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Alexander Kobilansky

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12/10/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

COUSO, YON JUNG

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/838,011 | Applicant(s) KOBILANSKY ET AL. | |
| | Examiner Yon Couso | Art Unit 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6-14, 16-20 is/are rejected.
- 7) ☒ Claim(s) 2,4,5 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's arguments filed August 2, 2004 have been fully considered but they are not persuasive.

a. The applicants argue that the Linford reference does not teach "an image defect matte indicating areas of said image that contains image errors". The applicants further argue that in Linford, there is no discussion of errors in the image since Linford does not disclose or suggest a system for repairing an image. The examiner notes that while it is true that Linford does not use the term error in the disclosure, Linford's system is directed to editing what is conceived as undesirable image to a desirable image. According to The Random House College Dictionary, edit is defined revise or correct. According to The Random House College Dictionary, error is defined deviation from accuracy or correctness. In other words, editing in Linford to correct what the user conceives as deviation from what is desirable reads on the claim "an image defect matte indicating areas of said image that contain image errors, said image defect matte allowing said user to graphically specify one or more changes to be made to said image."

b. The applicants argue that Linford does not teach "said image defect matte indicates portions of an original image having one or more proposed error corrections for a current iteration." The examiner disagrees. Linford teaches the image defect matte indicates portions of an original image having one or more proposed error correction for a current iteration (figure 14A).

c. With regard to claims 2 and 15, the rejection has been withdrawn in view of the amendment and the arguments presented by the applicants.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6-10, 12-14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Linford et al.

The arguments advanced in paragraph 1 above as to the applicability of the reference are incorporated herein.

As to claim 1, Linford teaches a method of repairing an image, comprising the steps of: presenting a user with the image (edited image at column 21, line 57); and presenting the user with an image defect matte indicating areas of said image that contain image errors, said image defect matte (column 21, lines 58-62) allowing the user to graphically specify one or more changes to be made to the image (column 22, lines 57-61).

As to claim 3, Linford teaches each element of the image defect matte corresponds to one or more pixels in the image (312 in figure 14B).

As to claim 6, Linford teaches the changes to be made to the image are not implemented until initiated by the user (column 22, lines 57-61).

As to claim 7, Linford teaches one or more graphical tools that allow the user to modify the image defect matte before the changes are made to the image (column 22, line 57-column 23, line 19).

As to claim 8, Linford teaches the image defect matte indicates portions of an original image that have been repaired in one or more previous iteration (highlight at column 21, lines 58-62).

As to claim 9, Linford teaches the image defect matte indicates portions of an original image having one or more proposed modifications for a current iteration (figure 14A).

As to claim 10, Linford teaches one or more changes to be made to the image is a further repair of a selected region of the image (column 22, lines 57-61).

As to claim 12, Linford teaches the one or more changes to be made to the image is a cancellation of a previous repair of a selected region of the image (column 22, lines 57-61).

As to claim 13, Linford teaches the step of prioritizing the image based on a defect metric that quantifies a degree of defects in the image (column 22, lines 64-column 23, line 3).

As to claim 14, Linford teaches a system for repairing an image, comprising: a memory that stores computer-readable code (26 in figure 1); and a processor operatively coupled to the memory, the processor configured to implement the computer-readable code (22 in figure 1), the computer-readable code configured to: present a user with the image (edited image at column 21, line 57)); and present the user with an image defect matte indicating areas of said image that contain image errors, said image defect matte (column 21, lines 58-62) allowing the user to graphically specify one or more changes to be made to the image (column 22, lines 57-61).

As to claim 16, Linford teaches each element of the image defect matte corresponds to one or more pixels in the image (312 in figure 14B).

As to claim 17, Linford teaches the processor is further configured to provide one or more graphical tools that allow the user to modify the image defect matte before the changes are made to the image (column 22, line 57-column 23, line 3).

As to claim 19, Linford teaches the processor is further configured to prioritize the image based on a defect metric that quantifies a degree of defects in the image (column 22, line 64-column 23, line 3).

As to claim 20, Linford teaches an article of manufacture for repairing an image, comprising: a computer readable medium having computer readable code means embodied thereon, the computer readable program code means comprising: a step to present a user with the image (edited image at column 21, line 57); and a step to present the user with an image defect matte indicating areas of said image that contain image errors, said image defect matte (column 21, lines 58-62) allowing the user to graphically specify one or more changes to be made to the image (column 22, lines 57-61).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linford et al in view of Shimada et al.

The arguments advanced in paragraph 2 above as to the applicability of the reference are incorporated herein.

As to claims 11 and 18, Linford teaches video camera (column 5, lines 44-51) which generates stream of image frames. However, Linford does not teach details on maintaining the selected region of the image for a subsequent or previous frame to repair a steady defect in the image. Shimada teaches repairing a pixel associated with motion-picture process, in which Shimada discloses maintaining the selected region of the image for a subsequent or previous frame to repair a steady defect in the image (background of invention column 2, lines 42-44, inter-frame technique). Inter-frame technique as described in the Shimada's reference is old and well known in the art that it would have been obvious to one of ordinary skills in the art to incorporate Shimada's defect correction using inter-frame technique into Linford, which uses video camera for the source of image, which would enhance the overall image quality in the system.

4. Claims 2, 4, 5, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (703) 305-4779. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

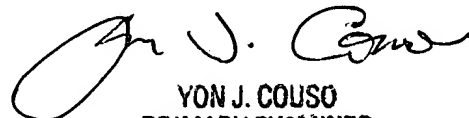
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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YJC

December 9, 2004



YON J. COUSO
PRIMARY EXAMINER